

**OFFICIAL PROCEEDINGS OF THE YELLOW
MEDICINE COUNTY BOARD OF COMMISSIONERS
GRANITE FALLS, MINNESOTA
May 27, 2003**

The Yellow Medicine County Board of Commissioners met in regular session at 9:00 am on Tuesday, May 27, 2003, in the board meeting room. Present were Commissioners Lynn Anderson, Ron Antony, Jane Remiger, Louie Sherlin and Chairperson Gary Johnson. Also present were County Attorney Thomas Kramer, County Auditor Carolyn Sherlin, and news reporters Bethany Norgaard, and Dan McGonigle. The chairperson called the meeting to order. On motion, the agenda for the day and the minutes of May 13, 2003 were accepted and approved by the board.

Commissioners Reports were given on the following topics: Prairie Five, RDC, Pioneerland Library, RCRCA, Project Turnabout, Regional Railroad, Historical Society, Effective Communications, County Safety Meeting, Prairie Lakes Detention Center, and Public Health.

County Ditch Inspector John Kolhei, Lou Ann Nagel, SWCD and Steve Schemel representing NRSC, discussed an erosion problem on County Ditch 40, located in Section 1 of Wood Lake Township and Section 6 of Minnesota Falls Township. Also present were Eugene Appledorn and Kenneth Bahn representing the ditch owners. NRSC prepared a design for a water retention structure at an estimated cost of \$20,800 and had committed up to \$15,600 towards the repair of this ditch. The project was advertised for bids and the following bids were opened:

K&K Tiling: \$31,280

After consideration of the cost involved, it was the consensus of the ditch owners that their cost (approximately \$15,000) would be too much and they suggested that another plan be found. Nagel stated that any funds already reserved for this project need to be encumbered for the next fiscal year. After discussion, Remiger moved to reject all bids received today and to request NRSC to encumber the funds towards a new plan, Sherlin seconded motion, all voted in favor.

County Treasurer Sharon Schuler submitted her resignation as County Treasurer effective on July 31, 2003. Schuler began her term as County Treasurer on January 1, 1983 and served 20 years in that capacity. Antony moved to accept her resignation, Sherlin seconded motion, all voted in favor.

At 10:00 am Bids were opened for Project CP 08-20 (Grading and aggregate surface of CSAH 8): The following bids were received:

R&G Construction	\$415,488.77
Commerford Gravel	497,670.98
Minnerath Construction	572,943.90
Central Specialties	603,682.99

After consideration, Sherlin moved to award project to R&G Construction, Remiger seconded motion, all voted in favor.

A bid from Riley Brothers, delivered to the highway office at approximately 10:00, was considered to be a "late bid" because it was not delivered to the Auditor's office as per directions. Thus it was not considered in the bid process.

A request was made to approve the right-of-way payments associated with the above project, CP 08-20 for the amount of \$20,969.71. Sherlin moved for approval, Remiger seconded, motion carried.

A request for a Conditional Use Permit was received from Dennis Pederson for the construction of a 70' x 40' non-farm dwelling to be built in Section 10 of Stony Run Township. A recommendation was received from the Planning and Zoning Committee to approve this permit. Anderson moved to grant the conditional use permit, Antony seconded motion, all voted in favor.

Traci Fagen for permission to construct a non-farm dwelling in Section 1 of Hazel Run Township. The Planning and Zoning committee recommended that this permit be approved. Anderson moved to grant the above permit, Remiger seconded motion, all voted in favor.

A request for a Conditional Use Permit was received from Mike Knutson for the construction of a 2400 head hog finishing operation consisting of two 51'x208' confinement barns to be located in Florida Township. Zoning Administrator Van De Wiele stated that the Environmental Assessment Worksheet was completed for this project. The Planning and Zoning Committee reviewed the project on May 20, 2002, and recommended approval with the following conditions:

1. Attempt to have the state post flip-up signs "Trucks Hauling" on Highway 68 if possible. Or place temporary signs when hauling manure.
2. Shall use new technology, if cost effective, to control odor if deemed a nuisance by the Jerome Meter.
3. Trees are to be planted on the north and west side of the site.

There were 25 members of the public present to voice their concerns about the location of the facility and the rank odors it would generate. The odor would affect nearby property values and could cause serious health issues. Stonehill Park is located near the proposed location and its managers voiced concerns that the manure odors would affect the campers at the park. If they find the air offensive, the visitors might not return in the future.

Art Larson stated that the odor will affect his health. Frank Mitchell was concerned with the smell and suggested mandating the use of biofilters. Pat Johnson, representing Hammer Township, stated that the road is posted in the springtime and would affect manure hauling, also delivery trucks could cause deterioration to the road. He had no objections to the facility, just the location.

Élan hacker asked how much odor is registered on the Jerome Meter and how accurate it was. She stated that odor can be a public nuisance if it is present during more hours of the day than not, She questioned the involvement of Public Health on this issue. Manley Torstenson, Florida Township official, asked whether Burr is classified as a municipality, there are 6 homes located in Burr and any proposed site must be located at least 2 miles away.

Richard Hemish suggested that the board become pro-active and have the authority to shut the facility down if odor becomes offensive. Willard Pearson cited the concerns of Stonehill Park. A lot of hard work took place to create the park, which has 42 base campsites and is expanding with another 12 sites. He does not want the smell to affect the visitors in the park. Ron Fjerkenstad, Manager of Stonehill Park, stated if the quality of camping is affected, the campers might not return in the future. Willis Beecher stated that the prevailing winds are generally toward the park area. Ron Singaas, Mayor of Canby, stated that the site could have a negative impact on the park and City of Canby. They are currently working on developing an Agriculture Museum at the park and have made applications for federal funding.

County Attorney Tom Kramer reported that, according to the League of Cities, Burr is not on the roster of cities. Burr does not hold elections and does not have a mayor or city council, but could be an unincorporated city. More research on this issue is needed.

Sherwood Knutson, speaking for the project, stated that his family went into this project working with the current zoning rules. If the rules are wrong, they should have been changed prior to this project. The site that was chosen was determined to be the best site for the project. He discussed the economic gain for the community and the increased tax base for the county.

Paul Fokken was concerned about the amount of water needed at the new facility, and how it would affect the availability of water at

his home. Vivian Larson said there would not be very many new jobs created from this business. Darlene Ollien stated that there already was a loss of tax base in the area, one person has withdrawn his plans to build a new home in the area and is selling his building site.

Commissioner Antony stated that he currently lives near a hog operation. The odor, which is offensive at times, is not a constant odor and has not affected his quality of life. The rules have been developed to protect the quality of life in our communities and we must abide with them as they stand. The conditions, which will be a part of the permit, will require a plan to control the odor.

Van De Wiele said that the project was sent to the State Environmental Quality Board for their comments. Anderson then moved to table any decision on this permit until the EQB report is back. Sherlin seconded motion, all voted in favor. The issue will be revisited on June 10th.

Remiger moved to ratify the minutes and actions of the May 20th Welfare meeting, Antony seconded motion, all voted in favor. Sherlin moved to transfer \$77,151.47 out of the Revenue Fund into the LEC construction fund to cover the shortfall in that fund as of 12-31-2002. Anderson seconded motion, all voted in favor.

Johnson stated that Yellow Medicine East School, as a government agency, was not interested in acquiring tax-forfeited Parcel#32-490-0106 which is located next to the school building in Clarkfield, unless no one else wants the property. Anderson moved to adopt the following resolution:

"Be it Hereby Resolved, that those parcels of land forfeited to the State of Minnesota for nonpayment of taxes, in particular Parcel #32-490-0106 appearing on the list filed by the county auditor, which have been appraised as provided by Minnesota laws, 1935, Chapter 386, as amended, shall be offered for sale by the Yellow Medicine County Auditor, who is directed to publish a notice of sale as provided by law."

Antony seconded motion, all voted in favor.

Antony moved to acknowledge that, because of a lack of clarity in the instructions about where to deliver the bid, the recording of the bids received for Project CP 08-20, which were opened at 10:00 am, would include the bid from Riley Brothers for \$491,156.85. Said bid was not received at the auditor's office by the 10:00 deadline, instead was delivered to the highway department. Anderson seconded motion, all voted in favor.

Antony moved to direct the highway department to include specific instructions for future road and/or bridge projects that all bids must be delivered to the County Auditor's office by the designated time and must be stamped with both the date and time received. Sherlin seconded motion, all voted in favor.

Discussion was held on holding a Strategic Planning Session Day to discuss future goals of our county. The Extension Office is available to facilitate the session at a cost of \$600. Attendance at this session could include department managers as well as board members and could be scheduled as a half-day or full-day discussion.

Remiger moved to initiate the process of future planning of our county with both commissioners and department managers. Anderson seconded motion, all voted in favor. Remiger will contact Extension for more information.

Antony moved to research the possibility of putting our county information on the AMC website, Remiger seconded, motion carried.

Sherlin stated that quotes for the county fairgrounds summer lawn mowing project are due to be received on Friday, May 30. Sherlin moved to allow the auditor and chairperson to review the quotes in order to determine the lowest quote submitted and to award the project accordingly. Antony seconded motion, all voted in favor. The following claims were submitted for payment:

REVENUE FUND

Advocate-Tribune	315.15
Aramark Correctional Services	3,775.04
Canby DAV Vet Van	150.00
Cathy Clark	500.00
CPS Technology Solutions Inc	338.50
Daves Family Foods	132.81
Fagen-Pulsifer Bldgs Inc	1,574.98
Farmer's Coop Oil	432.05
Farmers Coop Association	129.88
G & K Services Inc	115.15
General Security Services Corp	158.69
Heiman Fire Equip Inc	188.25
Jim Horgan M.A., L.P	824.50
Keefe Supply Co	272.40
KEEPRS Inc	1,274.31
Ladner Hardware Inc	234.11
Loffler Business Systems Inc	689.06
MN Counties Insurance Trust	284.00
Moore Medical Corp	177.86
Olson Sanitation LLC	4,934.66
Pitney Bowes	424.00
Prairie Wild Enterprises	265.72
Rice Memorial Hospital	582.83
Upper MN Regional Development Com	7,500.00
West Central Communications, Inc	260.13
YMC Family Service	384.47
YMC Highway Dept	333.73
Payments less than \$100	1,051.94
TOTAL	\$27,304.22

ROAD & BRIDGE FUND

Arrowwood-Radisson	306.47
Bisbee Plumbing & Htg	102.40
Brock White Company, LLC.	767.43
Granite Fluid Power	1,368.96
Martin Marietta Aggregates	10,759.18
MN Co Insurance Trust	297.00
Rupp Construction Co. Inc	43,419.35
Toshiba America Info-Sys Inc	236.13
Wood Lake, City of	450.00
Ziegler Inc	4,763.54
Payments less than \$100	432.17
TOTAL	\$62,902.63

DITCH FUND

G & L Repair	177.42
K & K Tiling Inc	597.50
YMC Auditor	310.25
Payment less than \$100	24.40
TOTAL	\$1,109.57
FINAL TOTAL	\$91,316.42

Meals & Per diems for Revenue in the amount of \$16.85 and Road & Bridge in the amount of \$26.68 were also presented. Sherlin moved to pay the above claims, Anderson seconded motion, all voted in favor. As all business for the day was completed, the meeting was on motion adjourned.

Chairperson, Yellow Medicine
County Board of Commissioners

ATTEST:

Carolyn Sherlin, County Auditor
and Clerk to the County Board